

Listing of Claims

1 1. (Currently Amended) A method for fabricating the shell for an in-the-ear hearing
2 apparatus comprising at least one component or structural feature, comprising:

3 obtaining a digital representation of a portion of the ear canal and/or a portion of the
4 outer ear;

5 creating a digital representation of a shell conforming to the digital representation of the
6 ear canal and the outer ear as applicable, the step of creating a digital representation of a shell
7 comprising creating ~~at least~~ a digital representation of an outer surface of the shell; and

8 modifying

9 ~~at least one physical dimension of at least a portion of the digital~~

10 ~~representation of the shell; and/or~~

11 ~~the dimensions and/or position of at least one component or~~

12 ~~structural feature.~~

13 adjusting the fit of the digital representation of the outer surface of the shell in the digital
14 representation of the ear canal.

1 2. (Previously Amended) A method as set forth in claim 1, where the step of
2 creating a digital representation of the shell comprises reducing the number of points in the
3 digital representation of the shell.

1 3. (Currently Amended)A method as set forth in claim 1, where the step of
2 ~~modifying at least one physical dimension of at least a portion~~ adjusting the fit of the digital
3 representation of the outer surface of the shell comprises expanding, reducing, tapering, or
4 pivoting at least a portion of the digital representation of the shell.

1 4. (Currently Amended)A method as set forth in claim 1, where the step of
2 ~~modifying at least one physical dimension of at least a portion~~ adjusting the fit of the digital
3 representation of the outer surface of the shell comprises dividing the shell into a plurality of
4 segments and expanding, reducing, tapering, or pivoting one or more of the segments.

1 5. (Currently Amended)A method as set forth in claim 1, where the step of
2 ~~modifying at least one physical dimension of at least a portion~~ adjusting the fit of the digital
3 representation of the outer surface of the shell comprises compensating for anatomical
4 irregularities in the outer ear or the ear canal.

1 6. (Currently Amended)A method as set forth in claim 1, where the step of
2 ~~modifying at least one physical dimension of at least a portion~~ adjusting the fit of the digital
3 representation of the outer surface of the shell comprises creating a seamless interface
4 between the shell and a faceplate.

1 7. (Previously Amended) A method as set forth in claim 1, where the step of
2 creating a digital representation of the shell comprises creating a faceplate integral with
3 the shell.

1 8. (Previously Amended) A method as set forth in claim 1, further comprising
2 positioning one or more components or structural features in or on the shell.

1 9. (Previously Amended) A method as set forth in claim 8, further comprising:
2 reducing the volume of the shell incrementally until at least one of the components in
3 the shell collides with another component or the internal wall of the shell; and
4 enlarging the volume of the shell until the collision is alleviated.

1 10. (Previously Amended) A method as set forth in claim 1, further comprising
2 superpositioning the shell in the ear canal and in the outer ear as applicable.

1 11. (Previously Amended) A method as set forth in claim 1, further comprising
2 simulating the insertion of the shell into the outer ear and the ear canal.

1 12. (Previously Amended) A method as set forth in claim 1, further comprising
2 fabricating a hearing instrument by direct manufacture.

1 13. (Currently Amended) A method as set forth in claim 1, further comprising:
2 fabricating a hearing instrument from the digital representation of the shell;
3 fitting the instrument in the user's ear;
4 generating an identical virtual apparatus; and
5 in response to the fitting of the instrument in the user's ear, further modifying at least
6 a portion of the outer surface of the shell of the identical virtual apparatus to [[optimize]] adjust
7 the fit, comfort, and/or performance of the apparatus.

1 14. (Previously Amended) A method as set forth in claim 1, further comprising:
2 generating an identical virtual apparatus; and
3 fabricating a hearing instrument.

1 15. (Previously Amended) A method as set forth in claim 1, further comprising
2 applying an identifier to the shell.

16. (Withdrawn)

1 17. (Currently Amended)An apparatus for fabricating the shell for an in-the-ear
2 hearing instrument comprising at least one component or structural feature, comprising:

3 a scanner for obtaining a digital representation of a portion of the ear canal and
4 optionally a portion of the outer ear; and

5 a processor for creating a digital representation of the shell that conforms to the
6 scanned digital representation of the ear canal and the outer ear as applicable, the
7 processor comprising

8 means for creating ~~at least~~ a digital representation of the shell; and

9 ~~means for modifying~~

10 ~~at least one physical dimension of at least a portion of the digital~~

11 ~~representation of the shell; and/or~~

12 ~~the dimensions and/or position of at least one component or~~

13 ~~structural feature.~~

14 means for adjusting the fit of the digital representation of the outer surface of the shell
15 in the digital representation of the ear canal.

1 18. (Original) An apparatus as set forth in claim 17, where the processor
2 comprises means for reducing the number of points in the digital representation of the shell.

1 19. (Original) An apparatus as set forth in claim 17, where the processor
2 comprises means for expanding, reducing, tapering, or pivoting at least a portion of the shell.

1 20. (Original) An apparatus as set forth in claim 17, where the means modifying
2 at least one physical dimension of at least a portion of the digital representation of the shell
3 comprises means for dividing the shell into a plurality of segments and expanding, reducing,
4 tapering, or pivoting one or more of the segments.

1 21. (Original) An apparatus as set forth in claim 17, further comprising means
2 for fabricating a hearing instrument by rapid prototyping or direct manufacture.

Please add new claims 22-28:

1 -22. (New) A method as set forth in claim 1, where the step of adjusting the fit of the
2 outer surface of the digital representation of the shell comprises modifying at least one physical
3 dimension of the digital representation of the outer surface of the shell.

1 23. (New) A method as set forth in claim 1, where the step of adjusting the fit of the
2 outer surface of the digital representation of the shell further comprises adjusting the fit of the
3 outer surface of the digital representation of the shell in the digital representation of a portion
4 of the outer ear.

1 24. (New) A method as set forth in claim 8, further comprising modifying the
2 dimensions and/or position of at least one component or structural feature.

1 25. (New) An apparatus as set forth in claim 17, where the means for adjusting the
2 fit of the outer surface of the shell comprises means for modifying at least one physical
3 dimension of the digital representation of the outer surface of the shell.

1 26. (New) An apparatus as set forth in claim 17, where the means for adjusting the
2 fit of the outer surface of the shell further comprises means for adjusting the fit of the outer
3 surface of the digital representation of the shell in the digital representation of a portion of the
4 outer ear.

1 27. (New) An apparatus as set forth in claim 17, further comprising means for
2 modifying the dimensions and/or position of at least one component or structural feature.

1 28. (New) A method for adjusting a digital representation for fabricating an in-the-ear
2 hearing apparatus, the apparatus comprising a shell, the shell comprising an outer surface,
3 and at least one component or structural feature, comprising:
4 adjusting the fit of the digital representation of the outer surface of the shell in a digital
5 representation of the ear canal and the outer ear as applicable.--.